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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,081	02/01/2001	Christian Leo Marie Vermote	CM1883/MH	8459

27752 7590 08/25/2003

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[REDACTED] EXAMINER

EINSMANN, MARGARET V

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

1751

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,081	VERMOTE, CHRISTIAN LEO MARIE	
	Examiner Margaret Einsmann	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,13-20 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,13-20 and 24-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) /
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____ .

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/2003 has been entered. The pending claims are 1,2,~~13~~-20, 24-33.

The rejections of the previous action have been mooted by applicant's amendment .

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites a limitation, 3% to 10% by weight of divalent salt, which is outside of the limitation of the divalent salt claimed in claim 1 upon which it depends. Accordingly the claim will be examined as if the lower limit is 5% by weight.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-33 are rejected under 35 U.S.C. 102(b) as being anticipated by North., US 4,345,063.

Compositions containing 15 parts of a glyoxal containing finishing agent or 15 parts of a formaldehyde-amine containing product were combined with 4.5 parts of a magnesium chloride catalyst (catalyst 531) and applied to cotton. See Table I in col 4 of '063 and example 7 in col 5 of '898. The process is part of a domestic process (note AHL= automatic home launderings) . The registry abstract included with this action discloses that Catalyst 531 is a combination of citric acid, which is a polycarboxylate, and magnesium chloride. Accordingly the composition claims are anticipated. Regarding claims 25-27, the claim states that the fabric is contacted with a divalent metal salt or the composition of claim 1. Applicant will agree that the fabric is contacted with a divalent metal salt in a domestic process in a rinse operation.

Claims 1,2 ,13-20, 24-33 are rejected under 35 U.S.C. 102(b) as being anticipated by North, US 4,300,898.

North treats cotton and cotton blends with resins which are formaldehyde condensation products and also dihydroxyethylene urea derivatives. The compositions contain catalyst 531, which is a combination of citric acid, which is a polycarboxylate, and magnesium chloride. See example 7 in column 5, which also describes the process using a dihydroxyethylene urea derivative as including home laundering, which always includes a rinse step. In example 5, g is a comparison using a formaldehyde condensate resin. In Table I in col 5, example (g) discloses 10 parts of formaldehyde

resin is used with 3 parts of zinc nitrate catalyst, which is 23% catalyst. The other examples use 10 parts ethylene urea resin to 2,3,4.5 or 6 parts catalyst 531, which is a mixture of magnesium chloride and citric acid at 60% solids. Accordingly the amount of divalent salt in all of the examples falls within the amount claimed.

Claims 25, 28-33 rejected under 35 U.S.C. 102(b) as being anticipated by Danner et al., US 5,873,911.

The disclosure in col 12 lines 31 et seq. states that magnesium chloride and zinc nitrate are employed in the amount of 2-80% by weight of the polymer (F), which is an epichlorhydrin derivative as disclosed in col 4 lines 60 et seq.

Claims 1,2,13-15,17,24,25,28, 30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein et al, US 3,049,446.

Example 5 in column 5 anticipates these claims by disclosing a composition containing 5%, that is, 15 parts of zinc nitrate in 300 total parts of solution combined with a dye fixing agent which is a condensate of urea, formaldehyde and glyoxal. Said composition is used to aftertreat a dyed rayon textile. The treatment is repeated using N,N-dimethylol cyclic ethylene urea. See col 5 lines 32-61.

Claim Objections

Claim 28 is objected to because of the following informalities: "sulphones" on line 2 should be "sulphone" and "epichlorhydrine" on line 3 should be "epichlorhydrin". Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-

308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Margaret Einsmann
Margaret Einsmann
Primary Examiner
Art Unit 1751

August 18, 2003